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ELLEN COFFMAN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ELLEN COFFMAN, on behalf of herself, all
others similarly situated, and the general
public,

Plaintiff,

v.

HOME DEPOT U.S.A., INC., a Delaware
corporation, and DOES 1 through 100,
inclusive,

Defendants.

Case No. 4:16-cv-03302-PJH

Honorable Phyllis J. Hamilton

**STIPULATION AND ~~PROPOSED~~
ORDER OF VOLUNTARY DISMISSAL**

FED. R. CIV. P. 41(a)(1)

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff ELLEN COFFMAN
2 (“Plaintiff”) and Defendant HOME DEPOT U.S.A., INC. (“Defendant”), by and through the
3 undersigned counsel of record, hereby stipulate that the above-entitled action shall be dismissed
4 with prejudice as to all claims brought individually by Plaintiff and without prejudice as to all
5 putative class claims, as follows:

6 WHEREAS this action was filed in the Superior Court of California, County of Sonoma
7 on May 13, 2016 (*see* Dkt. No. 1-1), and removed to this Court on June 15, 2016 (Dkt. No. 1);

8 WHEREAS Defendant filed a motion to dismiss on July 6, 2016 (Dkt. No. 10), and the
9 Court granted Defendant’s motion to dismiss in part on June 29, 2016 (Dkt. No. 21);

10 WHEREAS Plaintiff filed a first amended complaint on October 5, 2016 (Dkt. No. 22),
11 and Defendant’s response to the first amended complaint is not yet due (Dkt. No. 29);

12 WHEREAS Defendant has neither answered nor moved for summary judgment and no
13 class certification motion has been filed;

14 WHEREAS this action was filed as a class action but has not been certified as such;

15 WHEREAS Plaintiff and her counsel have decided to voluntarily dismiss the individual
16 claims of Plaintiff with prejudice;

17 WHEREAS dismissal of Plaintiff’s claims will not prejudice absent putative class
18 members and will not affect their rights because no class has been certified;

19 WHEREAS, no notice need be sent to absent putative class members, because a class has
20 not been certified, the case is in its infancy, the case has not been widely publicized, and no
21 absent putative class member will be bound by the voluntary dismissal of Plaintiff’s claims.

22 NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED that the above-
23 entitled action shall be dismissed with prejudice as to all claims brought individually by Plaintiff
24 and without prejudice as to putative class claims.

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DATED: December 1, 2016

KING & SPALDING LLP

By: /s/ Edmund T. Wang

EDMUND T. WANG

Attorneys for Defendant
HOME DEPOT U.S.A., INC.

DATED: December 1, 2016

ILG LEGAL OFFICE

By: /s/ Stephen Noel Ilg

STEPHEN NOEL ILG

Attorneys for Plaintiff
ELLEN COFFMAN

I, the undersigned, attest that concurrence in the filing of the document has been obtained from each of the other Signatories, which shall serve in lieu of their signatures on the document.

DATED: December 1, 2016

By: /s/ Edmund T. Wang

[PROPOSED] ORDER

The stipulation of the Parties is approved. The entire action is hereby dismissed with prejudice, with all parties to bear their own attorneys' fees and costs.

IT IS SO ORDERED.

DATED: December 5, 2016

HONORABLE J. HAMILTON
United States District Court for the Northern District of California



CERTIFICATE OF SERVICE

I, the undersigned, certify that on this date, I electronically filed the foregoing document, **STIPULATION AND [PROPOSED] ORDER OF VOLUNTARY DISMISSAL**, with the Clerk of the Court using the CM/ECF system, which sent electronic notification of such filing to the following attorney of record and to all the parties appearing on the docket sheet:

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DATED: December 1, 2016

By: /s/ Edmund T. Wang
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